

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:16-CV-285**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**RICHARD W. DAVIS, JR.,**

**Defendant,**

**and**

**DCG REAL ASSETS, LLC, *et al.*,**

**Relief Defendants.**

**ORDER GRANTING MOTION FOR  
AUTHORITY TO SELL REAL  
PROPERTY - 3122 ELK CREEK  
PARKWAY, INDEPENDENCE,  
VIRGINIA - FREE AND CLEAR OF  
LIENS**

This matter came before the Court upon the *Motion for Authority to Sell Real Property – 3122 Elk Creek Parkway, Independence Virginia - Free and Clear of Liens* (Doc. No. 233) (the “Motion”) filed on December 20, 2018 by A. Cotten Wright, the duly-appointed receiver in the above-captioned action, through counsel. It appears that notice of the Motion was proper, the deadline to object to the Motion has expired and that no objections were filed in response to the Motion.

The Court, having reviewed the Motion and the record in this case, has determined that it would be in the best interest of the receivership estate to permit the Receiver to sell certain real property—described 3122 Elk Creek Parkway, Independence, Grayson County, Virginia, Tax Parcel Nos. 52-A-43, 52-A-43A and 52-A-43B (the “Real Property”) pursuant to the terms of the Commercial Purchase Agreement, a copy of which is attached to the Motion as “Exhibit A” (the “Contract”).

**IT IS, THEREFORE, ORDERED** that

- (1) The Motion is granted;
- (2) Absent an overbid made on or before January 24, 2019, the Receiver is authorized to close on the sale of the Real Property pursuant to the terms of the Contract including executing necessary documentation customary in real estate closings such as deeds, lien waivers, 1099 forms and other similar documents;
- (3) The sale shall be free and clear of liens with any lien attaching to proceeds; and
- (4) The Receiver is authorized to deposit the Sale proceeds, net of the realtor commissions, taxes, closing costs, and other expenses typically paid by the sellers in a real property transaction, to the Receivership bank account and to thereafter disburse such proceeds pursuant to the Order Approving Settlement with Kenneth M. Hageman Revocable Trust (Doc. No. 95 and 104).

**SO ORDERED.**

Signed: January 10, 2019

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

